

AMENDED IN SENATE JULY 2, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1728

Introduced by Committee on Transportation (Nava (Chair), Duvall (Vice Chair), Carter, DeSaulnier, Galgiani, Garrick, Horton, Houston, Huff, Karnette, Portantino, Ruskin, Solorio, and Soto)

March 8, 2007

An act to amend Sections ~~12810.5 and 13005~~ 1804, 12500, 12810.5, 12811, 13005, 15210, 22450, and 22452 of the Vehicle Code, relating to identification cards.

LEGISLATIVE COUNSEL'S DIGEST

AB 1728, as amended, Committee on Transportation. Vehicles.

(1) *Existing law requires every clerk of a court in which a person was convicted of a violation of the Vehicle Code, or specified sections of other codes, to prepare an abstract of the record of the court covering the case in which the person was convicted. Existing law requires the abstract to indicate whether the vehicle involved was of a type requiring the driver to have a driver's license endorsement authorizing the operation of a tank vehicle.*

This bill instead would require the abstract to indicate whether the vehicle involved was of a type requiring the driver to have a driver's license endorsement authorizing the operation of a vehicle carrying hazardous materials, rather than a tank vehicle.

(1)

(2) Under existing law, a person who holds a class A or class B driver's license and ~~has an endorsement for~~ *authorizing the operation of a tank vehicle* is exempt from being presumed to be a prima facie negligent operator based on that person being found at a hearing to have

a driving record violation point count of 6 or more points in 12 months, 8 or more points in 24 months, or 10 or more points in 36 months.

~~This~~

The bill instead would exempt a person who holds a class A or class B driver's license and an endorsement for authorizing the operation of a vehicle carrying hazardous materials, rather than a tank vehicle, from the application of the presumption.

(3) Under existing law, "commercial motor vehicle" is defined, for the purpose of implementing the Commercial Motor Vehicle Safety Program, as a vehicle or combination of vehicles that requires a class A license, a class B license, or a class C license with an endorsement authorizing the operation of a tank vehicle.

The bill would change this definition of "commercial motor vehicle" to mean a vehicle or combination of vehicles that requires a class A license, class B license, or a class C license with an endorsement authorizing the operation of a vehicle carrying hazardous materials, rather than a tank vehicle.

(4) Existing law prohibits a person from driving a motorcycle, motor-driven vehicle, or motorized bicycle upon a highway, unless that person then holds a valid California driver's license or an endorsement issued for that class.

The bill would create an exception to this prohibition by authorizing a person with a valid California driver's license of any class to operate a short-term rental motorized bicycle without taking a special examination for the operation of a motorized bicycle and without having a class M2 endorsement authorizing the operation of that class of vehicle.

(5) Existing law provides the process by which a licensed driver who has granted consent to be an organ and tissue donor upon death may revoke the consent or limit the consent to specific organs or tissues.

The bill would enable a donor, by participation in the same process, to limit the consent to specific types of research and would make technical changes to that provision.

~~(2)~~

(6) Existing law prohibits a contract from being let to a nongovernmental entity for the processing of identification cards unless the Department of Motor Vehicles receives 2 or more qualified bids from independent, responsible bidders.

This bill would recast this provision to prohibit the awarding of that contract unless the contract conforms to all applicable state contracting

laws and all applicable procedures set forth in the State Contracting Manual.

(7) *Under existing law, a driver of a vehicle approaching a stop sign at a railroad grade crossing is required to stop at a limit line, if marked, otherwise before entering the crosswalk on the near side of the intersection. If there is no limit line or crosswalk, the driver is required to stop at the entrance to the intersecting railroad grade crossing.*

The bill instead would require the driver of any vehicle approaching a stop sign at a railroad grade crossing to stop at a limit line, if marked, otherwise before crossing the first track or entrance to the railroad grade crossing.

(8) *Existing law requires the driver of a specified vehicle to stop that vehicle before traversing a railroad grade crossing and requires that driver to confirm that he or she can safely proceed before doing so.*

The bill would correct an erroneous cross-reference within that law and would, thereby, provide specified exceptions to the requirement that the driver of a specified vehicle stop before traversing a railroad grade crossing.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1804 of the Vehicle Code is amended to
2 read:
3 1804. (a) The abstract shall be made upon a form furnished
4 or approved by the department and shall contain all necessary
5 information to identify the defendant, including, but not limited
6 to, the person's driver's license number, name, and date of birth,
7 the date and nature of the offense, the vessel number, if any, of
8 the vessel involved in the offense, the license plate number of the
9 vehicle involved in the offense, the date of hearing, and the
10 judgment, except that in the case of infractions where the court
11 has not directed the department to suspend or restrict the
12 defendant's driver's license, only the conviction and not the
13 judgment need be set forth in the abstract. The abstract shall also
14 indicate whether the vehicle involved in the offense is a commercial
15 motor vehicle, as defined in subdivision (b) of Section 15210,
16 whether the vehicle was of a type requiring the driver to have a
17 certificate issued pursuant to Section 2512, 12517, 12519, 12523,

1 or 12523.5 or any endorsement issued pursuant to paragraph (2)
2 or ~~(4)~~ (5) of subdivision (a) of Section 15278, and whether the
3 vehicle was transporting hazardous material at the time of the
4 offense, or whether the vessel involved in the offense was a
5 recreational vessel, as defined in subdivision (bb) of Section 651
6 of the Harbors and Navigation Code.

7 (b) As to any abstract for which the original arrest and final
8 conviction was for a violation of subdivision (b), (c), (d), (e), or
9 (f) of Section 655 of the Harbors and Navigation Code or Section
10 23152 or 23153 of this code, the abstract shall contain a statement
11 indicating the percentage of alcohol, by weight, in the person's
12 blood whenever that percentage was determined by a chemical
13 test. The information regarding the chemical test shall be compiled
14 if it is available to the clerk of the court. All information required
15 to be compiled pursuant to this subdivision shall be kept
16 confidential in the records of the department pursuant to Section
17 1808.5. The department may use the information for research and
18 statistical purposes and for determining the eligibility of any person
19 to operate a motor vehicle on the highways of this state. The
20 information shall not be released to any other public or private
21 agency, except for research and statistical summary purposes and,
22 for those purposes, the name and address of the person and any
23 other identifying information shall not be disclosed.

24 (c) The Legislature finds and declares that blood-alcohol
25 percentages have valuable research potential in providing statistical
26 summary information on impaired drivers but that a specific
27 blood-alcohol percentage is only an item of evidence for purposes
28 of criminal and licensing sanctions imposed by law. The
29 Legislature recognizes that the accuracy of the determination of a
30 specific blood-alcohol percentage is not the critical determination
31 in a conviction for driving under the influence of an alcoholic
32 beverage if the blood-alcohol percentage exceeds the statutory
33 amount.

34 *SEC. 2. Section 12500 of the Vehicle Code is amended to read:*

35 12500. (a) A person may not drive a motor vehicle upon a
36 highway, unless the person then holds a valid driver's license
37 issued under this code, except those persons who are expressly
38 exempted under this code.

39 (b) A person may not drive a motorcycle, motor-driven cycle,
40 or motorized bicycle upon a highway, unless the person then holds

1 a valid driver's license or endorsement issued under this code for
2 that class, except those persons who are expressly exempted under
3 this code, or those persons specifically authorized to operate
4 motorized bicycles or motorized scooters with a valid driver's
5 license of any class, as specified in subdivision ~~(g)~~ (h) of Section
6 12804.9.

7 (c) A person may not drive a motor vehicle in or upon any
8 offstreet parking facility, unless the person then holds a valid
9 driver's license of the appropriate class or certification to operate
10 the vehicle. As used in this subdivision, "offstreet parking facility"
11 means any offstreet facility held open for use by the public for
12 parking vehicles and includes any publicly owned facilities for
13 offstreet parking, and privately owned facilities for offstreet parking
14 where no fee is charged for the privilege to park and which are
15 held open for the common public use of retail customers.

16 (d) A person may not drive a motor vehicle or combination of
17 vehicles that is not of a type for which the person is licensed.

18 (e) A motorized scooter operated on public streets shall at all
19 times be equipped with an engine that complies with the applicable
20 State Air Resources Board emission requirements.

21 **SECTION 4.**

22 *SEC. 3.* Section 12810.5 of the Vehicle Code is amended to
23 read:

24 12810.5. (a) Except as otherwise provided in subdivision (b),
25 a person whose driving record shows a violation point count of
26 four or more points in 12 months, six or more points in 24 months,
27 or eight or more points in 36 months shall be prima facie presumed
28 to be a negligent operator of a motor vehicle. In applying this
29 subdivision to a driver, if the person requests and appears at a
30 hearing conducted by the department, the department shall give
31 due consideration to the amount of use or mileage traveled in the
32 operation of a motor vehicle.

33 (b) (1) A class A or class B licensed driver, except persons
34 holding certificates pursuant to Section 12517, 12519, 12523,
35 12523.5, or 12527, or an endorsement issued pursuant to paragraph
36 (2) or (5) of subdivision (a) of Section 15278, who is presumed to
37 be a negligent operator pursuant to subdivision (a), and who
38 requests and appears at a hearing and is found to have a driving
39 record violation point count of six or more points in 12 months,
40 eight or more points in 24 months, or 10 or more points in 36

1 months is presumed to be a prima facie negligent operator.
2 However, the higher point count does not apply if the department
3 reasonably determines that four or more points in 12 months, six
4 or more points in 24 months, or eight or more points in 36 months
5 are attributable to the driver's operation of a vehicle requiring only
6 a class C license, and not requiring a certificate or endorsement,
7 or a class M license.

8 (2) For purposes of this subdivision, each point assigned
9 pursuant to Section 12810 shall be valued at one and one-half times
10 the value otherwise required by that section for each violation
11 reasonably determined by the department to be attributable to the
12 driver's operation of a vehicle requiring a class A or class B license,
13 or requiring a certificate or endorsement described in this section.

14 (c) The department may require a negligent operator whose
15 driving privilege is suspended or revoked pursuant to this section
16 to submit proof of financial responsibility, as defined in Section
17 16430, on or before the date of reinstatement following the
18 suspension or revocation. The proof of financial responsibility
19 shall be maintained with the department for three years following
20 that date of reinstatement.

21 *SEC. 4. Section 12811 of the Vehicle Code is amended to read:*

22 12811. (a) (1) (A) When the department determines that the
23 applicant is lawfully entitled to a license, it shall issue to the person
24 a driver's license as applied for. The license shall state the class
25 of license for which the licensee has qualified and shall contain
26 the distinguishing number assigned to the applicant, the date of
27 expiration, the true full name, age, and mailing address of the
28 licensee, a brief description and engraved picture or photograph
29 of the licensee for the purpose of identification, and space for the
30 signature of the licensee.

31 (B) Each license shall also contain a space for the endorsement
32 of a record of each suspension or revocation thereof.

33 (C) The department shall use whatever process or processes, in
34 the issuance of engraved or colored licenses, that prohibit, as near
35 as possible, the ability to alter or reproduce the license, or prohibit
36 the ability to superimpose a picture or photograph on the license
37 without ready detection.

38 (2) In addition to the requirements of paragraph (1), a license
39 issued to a person under 18 years of age shall display the words
40 "provisional until age 18."

(b) (1) The front of an application for an original or renewal of a driver's license or identification card shall contain a space for an applicant to give his or her consent to be an organ and tissue donor upon death. An applicant who gives consent shall be directed to read a statement on the back of the application that shall contain the following statement:

"If you marked on the front of the application that you want to be an organ and tissue donor upon death, your consent shall serve as a legally binding document as outlined under the California Uniform Anatomical Gift Act. Except in the case where the donor is under the age of 18, the donation does not require the consent of any other person. For donors under the age of 18, the legal guardian of the donor shall make the final decision regarding the donation. If you want to change your decision to consent in the future, or if you want to limit the donation to specific organs or tissues, *or research*, you must contact Donate Life California by mail at 1760 Creekside Oaks Drive, #160 #220, Sacramento, CA 95833, or ~~through the World Wide Web~~ *online* at www.donateLIFeCalifornia.org, or www.doneVIDAcalifornia.org."

(2) Notwithstanding any other provision of law, a person under age 18 may register as a donor. However, the legal guardian of that person shall make the final decision regarding the donation.

(3) The department shall collect donor designation information on all applications for an original or renewal driver's license or identification card.

(4) The department shall print the word "DONOR" or another appropriate designation on the face of a driver's license or identification card to a person who registered as a donor on a form issued pursuant to this section.

(5) On a weekly basis, the department shall electronically transmit to Donate Life California, a nonprofit organization established and designated as the California Organ and Tissue Donor Registrar pursuant to Section 7152.7 of the Health and Safety Code, all of the following information on every applicant that has indicated his or her willingness to participate in the organ donation program:

(A) His or her true full name.

(B) His or her residence or mailing address.

(C) His or her date of birth.

1 (D) His or her California driver's license number or
2 identification card number.

3 (6) (A) A person who applies for an original or renewal driver's
4 license or identification card may designate a voluntary
5 contribution of two dollars (\$2) for the purpose of promoting and
6 supporting organ and tissue donation. This contribution shall be
7 collected by the department, and treated as a voluntary contribution
8 to Donate Life California and not as a fee for the issuance of a
9 driver's license or identification card.

10 (B) The department may use the donations collected pursuant
11 to this paragraph to cover its actual administrative costs incurred
12 pursuant to paragraphs (3) to (5), inclusive. The department shall
13 deposit all revenue derived pursuant to this paragraph and
14 remaining after the department's deduction for administrative costs
15 in the Donate Life California Trust Subaccount, that is hereby
16 created in the Motor Vehicle Account in the State Transportation
17 Fund. Notwithstanding Section 13340 of the Government Code,
18 all revenue in this subaccount is continuously appropriated, without
19 regard to fiscal years, to the Controller for allocation to Donate
20 Life California and shall be expended for the purpose of increasing
21 participation in organ donation programs.

22 (7) The enrollment form shall be posted on the Internet Web
23 sites for the department and the California Health and Human
24 Services Agency.

25 (8) The enrollment shall constitute a legal document pursuant
26 to the Uniform Anatomical Gift Act (Chapter 3.5 (commencing
27 with Section 7150) of Part 1 of Division 7 of the Health and Safety
28 Code) and shall remain binding after the donor's death despite any
29 express desires of next of kin opposed to the donation. Except as
30 provided in paragraph (2) of subdivision (b), the donation does
31 not require the consent of any other person.

32 (9) Donate Life California shall ensure that all additions and
33 deletions to the California Organ and Tissue Donor Registry,
34 established pursuant to Section 7152.7 of the Health and Safety
35 Code, shall occur within 30 days of receipt.

36 (10) Information obtained by Donate Life California for the
37 purposes of this subdivision shall be used for these purposes only
38 and shall not be disseminated further by Donate Life California.

39 (c) A public entity or employee shall not be liable for loss,
40 detriment, or injury resulting directly or indirectly from false or

1 inaccurate information contained in the form provided pursuant
2 to subdivision (b).

3 (d) A contract shall not be awarded to a nongovernmental entity
4 for the processing of driver's licenses, unless the contract conforms
5 to all applicable state contracting laws and all applicable procedures
6 set forth in the State Contracting Manual.

7 (e) This section shall become operative on July 1, 2006.

8 ~~SEC. 2.~~

9 *SEC. 5.* Section 13005 of the Vehicle Code is amended to read:

10 13005. (a) The identification card shall resemble in appearance,
11 so far as is practicable, a driver's license issued pursuant to this
12 code. It shall adequately describe the applicant, bear his or her
13 picture, and be produced in color or engraved by a process or
14 processes that prohibit, as near as possible, the ability to alter or
15 reproduce the identification card, or prohibit the ability to
16 superimpose a picture or photograph on the identification card
17 without ready detection.

18 (b) (1) Upon issuance of a new identification card, or renewal
19 of an identification card, the department shall provide information
20 on organ and tissue donation, including a standardized form to be
21 filled out by an individual who desires to enroll in the California
22 Organ and Tissue Donor Registry with instructions for mailing
23 the completed form to the California Organ and Tissue Donor
24 Registrar established pursuant to subdivision (a) of Section 7152.7
25 of the Health and Safety Code.

26 (2) The enrollment form shall be simple in design and shall be
27 produced by the department, in cooperation with the California
28 Organ and Tissue Donor Registrar, and shall require all of the
29 following information to be supplied by the enrollee:

30 (A) Date of birth, sex, full name, address, and home telephone
31 number.

32 (B) Consent for organs or tissues to be donated for transplant
33 after death.

34 (C) Any limitation of the donation to specific organs or tissues.

35 (3) The form shall also include a description of the process for
36 having a name removed from the registry, and the process for
37 donating money for the benefit of the registry.

38 (4) The registry enrollment form shall be posted on the Web
39 sites for the department and the California Health and Human
40 Services Agency.

(5) The form shall constitute a legal document under the Uniform Anatomical Gift Act (Chapter 3.5 (commencing with Section 7150) of Part 1 of Division 7 of the Health and Safety Code).

(6) The registrar shall ensure that all additions and deletions to the registry shall occur within 30 days of receipt.

(7) Information obtained by the registrar for the purposes of this subdivision shall be used for these purposes only and shall not further be disseminated by the registrar.

(c) A contract shall not be awarded to a nongovernmental entity for the processing of identification cards unless the contract conforms to all applicable state contracting laws and all applicable procedures set forth in the State Contracting Manual.

SEC. 6. Section 15210 of the Vehicle Code is amended to read:

15210. Notwithstanding any other provision of this code, as used in this chapter, the following terms have the following meanings:

(a) “Commercial driver’s license” means a driver’s license issued by a state or other jurisdiction, in accordance with the standards contained in Part 383 of Title 49 of the Code of Federal Regulations, which authorizes the licenseholder to operate a class or type of commercial motor vehicle.

(b) (1) “Commercial motor vehicle” means any vehicle or combination of vehicles that requires a class A or class B license, or a class C license with an endorsement issued pursuant to paragraph ~~(4)~~ (5) of subdivision (a) of Section 15278.

(2) “Commercial motor vehicle” does not include any of the following:

(A) A recreational vehicle, as defined in Section 18010 of the Health and Safety Code.

(B) Military equipment operated for military purposes by civilian and noncivilian personnel, that is owned or operated by the United States Department of Defense or United States Department of Homeland Security, including the National Guard, as provided in Parts 383 and 391 of Title 49 of the Code of Federal Regulations.

(C) An implement of husbandry operated by a person who is not required to obtain a driver’s license under this code.

(D) Vehicles operated by persons exempted pursuant to Section 25163 of the Health and Safety Code or a vehicle operated in an

1 emergency situation at the direction of a peace officer pursuant to
2 Section 2800.

3 (c) “Controlled substance” has the same meaning as defined by
4 the federal Controlled Substances Act (21 U.S.C. Sec. 802).

5 (d) “Conviction” means an unvacated adjudication of guilt, or
6 a determination that a person has violated or failed to comply with
7 the law in a court of original jurisdiction or by an authorized
8 administrative tribunal, an unvacated forfeiture of bail or collateral
9 deposited to secure the person’s appearance in court, a plea of
10 guilty or nolo contendere accepted by the court, the payment of a
11 fine or court costs, or violation of a condition of release without
12 bail, regardless of whether or not the penalty is rebated, suspended,
13 or probated.

14 (e) “Disqualification” means a prohibition against driving a
15 commercial motor vehicle.

16 (f) “Driving a commercial vehicle under the influence” means
17 committing any one or more of the following unlawful acts in a
18 commercial motor vehicle:

19 (1) Driving a commercial motor vehicle while the operator’s
20 blood-alcohol concentration level is 0.04 percent or more, by
21 weight in violation of subdivision (d) of Section 23152.

22 (2) Driving under the influence of alcohol, as prescribed in
23 subdivision (a) or (b) of Section 23152.

24 (3) Refusal to undergo testing as required under this code in the
25 enforcement of Subpart D of Part 383 or Subpart A of Part 392 of
26 Title 49 of the Code of Federal Regulations.

27 (g) “Employer” means any person, including the United States,
28 a state, or political subdivision of a state, who owns or leases a
29 commercial motor vehicle or assigns drivers to operate that vehicle.
30 A person who employs himself or herself as a commercial vehicle
31 driver is considered to be both an employer and a driver for
32 purposes of this chapter.

33 (h) “Fatality” means the death of a person as a result of a motor
34 vehicle accident.

35 (i) “Felony” means an offense under state or federal law that is
36 punishable by death or imprisonment for a term exceeding one
37 year.

38 (j) “Gross combination weight rating” means the value specified
39 by the manufacturer as the maximum loaded weight of a
40 combination or articulated vehicle. In the absence of a value

1 specified by the manufacturer, gross vehicle weight rating will be
2 determined by adding the gross vehicle weight rating of the power
3 unit and the total weight of the towed units and any load thereon.

4 (k) “Gross vehicle weight rating” means the value specified by
5 the manufacturer as the maximum loaded weight of a single
6 vehicle, as defined in Section 390.

7 (l) “Imminent hazard” means the existence of a condition that
8 presents a substantial likelihood that death, serious illness, severe
9 personal injury, or substantial endangerment to health, property,
10 or the environment may occur before the reasonable foreseeable
11 completion date of a formal proceeding begun to lessen the risk
12 of death, illness, injury, or endangerment.

13 (m) “Noncommercial motor vehicle” means a motor vehicle or
14 combination of motor vehicles that is not included within the
15 definition in subdivision (b).

16 (n) “Nonresident commercial driver’s license” means a
17 commercial driver’s license issued to an individual by a state under
18 one of the following provisions:

19 (1) The individual is domiciled in a foreign country.

20 (2) The individual is domiciled in another state.

21 (o) “Schoolbus” is a commercial motor vehicle, as defined in
22 Section 545.

23 (p) “Serious traffic violation” includes any of the following:

24 (1) Excessive speeding, as defined pursuant to the federal
25 Commercial Motor Vehicle Safety Act (P.L. 99-570) involving
26 any single offense for any speed of 15 miles an hour or more above
27 the posted speed limit.

28 (2) Reckless driving, as defined pursuant to the federal
29 Commercial Motor Vehicle Safety Act (P.L. 99-570), and driving
30 in the manner described under Section 2800.1, 2800.2, or 2800.3,
31 including, but not limited to, the offense of driving a commercial
32 motor vehicle in willful or wanton disregard for the safety of
33 persons or property.

34 (3) A violation of a state or local law involving the safe
35 operation of a motor vehicle, arising in connection with a fatal
36 traffic accident.

37 (4) A similar violation of a state or local law involving the safe
38 operation of a motor vehicle, as defined pursuant to the
39 Commercial Motor Vehicle Safety Act (Title XII of P.L. 99-570).

1 (5) Driving a commercial motor vehicle without a commercial
2 driver's license.

3 (6) Driving a commercial motor vehicle without the driver
4 having in his or her possession a commercial driver's license,
5 unless the driver provides proof at the subsequent court appearance
6 that he or she held a valid commercial driver's license on the date
7 of the violation.

8 (7) Driving a commercial motor vehicle when the driver has
9 not met the minimum testing standards for that vehicle as to the
10 class or type of cargo the vehicle is carrying.

11 In the absence of a federal definition, existing definitions under
12 this code shall apply.

13 (q) "State" means a state of the United States or the District of
14 Columbia.

15 (r) "Tank vehicle" means a commercial motor vehicle that is
16 designed to transport any liquid or gaseous material within a tank
17 that is permanently or temporarily attached to the vehicle or the
18 chassis, including, but not limited to, cargo tanks and portable
19 tanks, as defined in Part 171 of Title 49 of the Code of Federal
20 Regulations. This definition does not include portable tanks having
21 a rated capacity under 1,000 gallons.

22 *SEC. 7. Section 22450 of the Vehicle Code is amended to read:*

23 22450. (a) The driver of any vehicle approaching a stop sign
24 at the entrance to, or within, an intersection, ~~or railroad grade~~
25 ~~crossing~~ shall stop at a limit line, if marked, otherwise before
26 entering the crosswalk on the near side of the intersection.

27 If there is no limit line or crosswalk, the driver shall stop at the
28 entrance to the intersecting roadway ~~or railroad grade crossing~~.

29 (b) *The driver of a vehicle approaching a stop sign at a railroad*
30 *grade crossing shall stop at a limit line, if marked, otherwise before*
31 *crossing the first track or entrance to the railroad grade crossing.*

32 ~~(b)~~

33 (c) Notwithstanding any other provision of law, a local authority
34 may adopt rules and regulations by ordinance or resolution
35 providing for the placement of a stop sign at any location on a
36 highway under its jurisdiction where the stop sign would enhance
37 traffic safety.

38 *SEC. 8. Section 22452 of the Vehicle Code is amended to read:*

39 22452. (a) Subdivisions (b) and ~~(e)~~ (d) apply to the operation
40 of the following vehicles:

- 1 (1) A bus or farm labor vehicle carrying passengers.
- 2 (2) A motortruck transporting employees in addition to those
- 3 riding in the cab.
- 4 (3) A schoolbus and a school pupil activity bus transporting
- 5 school pupils, except as otherwise provided in paragraph (4) of
- 6 subdivision (c).
- 7 (4) A commercial motor vehicle transporting any quantity of a
- 8 Division 2.3 chlorine, as classified by Title 49 of the Code of
- 9 Federal Regulations.
- 10 (5) A commercial motor vehicle that is required to be marked
- 11 or placarded in accordance with the regulations of Title 49 of the
- 12 Code of Federal Regulations with one of the following federal
- 13 classifications:
 - 14 (A) Division 1.1.
 - 15 (B) Division 1.2, or Division 1.3.
 - 16 (C) Division 2.3 Poison gas.
 - 17 (D) Division 4.3.
 - 18 (E) Class 7.
 - 19 (F) Class 3 Flammable.
 - 20 (G) Division 5.1.
 - 21 (H) Division 2.2.
 - 22 (I) Division 2.3 Chlorine.
 - 23 (J) Division 6.1 Poison.
 - 24 (K) Division 2.2 Oxygen.
 - 25 (L) Division 2.1.
 - 26 (M) Class 3 Combustible liquid.
 - 27 (N) Division 4.1.
 - 28 (O) Division 5.1.
 - 29 (P) Division 5.2.
 - 30 (Q) Class 8.
 - 31 (R) Class Division 1.4.
 - 32 (S) A cargo tank motor vehicle, whether loaded or empty, used
 - 33 for the transportation of any hazardous material, as defined in Parts
 - 34 107 to 180, inclusive, of Title 49 of the Code of Federal
 - 35 Regulations.
- 36 (6) A cargo tank motor vehicle transporting a commodity that
- 37 at the time of loading has a temperature above its flashpoint, as
- 38 determined under Section 173.120 of Title 49 of the Code of
- 39 Federal Regulations.

1 (7) A cargo tank motor vehicle, whether loaded or empty,
2 transporting any commodity under exemption in accordance with
3 Subpart B of Part 107 of Title 49 of the Code of Federal
4 Regulations.

5 (b) Before traversing a railroad grade crossing, the driver of a
6 vehicle described in subdivision (a) shall stop that vehicle not less
7 than 15 nor more than 50 feet from the nearest rail of the track and
8 while so stopped shall listen, and look in both directions along the
9 track, for an approaching train and for signals indicating the
10 approach of a train, and shall not proceed until he or she can do
11 so safely. Upon proceeding, the gears shall not be shifted manually
12 while crossing the tracks.

13 (c) The driver of a commercial motor vehicle, other than those
14 listed in subdivision (a), upon approaching a railroad grade
15 crossing, shall be driven at a rate of speed that allows the
16 commercial vehicle to stop before reaching the nearest rail of that
17 crossing, and shall not be driven upon, or over, the crossing until
18 due caution is taken to ascertain that the course is clear.

19 (d) A stop need not be made at a crossing in the following
20 circumstances:

21 (1) Of railroad tracks running along and upon the roadway
22 within a business or residence district.

23 (2) Where a traffic officer or an official traffic control signal
24 directs traffic to proceed.

25 (3) Where an exempt sign was authorized by the Public Utilities
26 Commission prior to January 1, 1978.

27 (4) Where an official railroad crossing stop exempt sign in
28 compliance with Section 21400 has been placed by the Department
29 of Transportation or a local authority pursuant to Section 22452.5.
30 This paragraph does not apply with respect to any schoolbus or to
31 any school pupil activity bus.